

FORM B1 United States Bankruptcy Court WESTERN District of NEW YORK		Voluntary Petition																
Name of Debtor (if individual, enter Last, First, Middle): Ferraro, Daryl A.		Name of Joint Debtor (Spouse)(Last, First, Middle): Ferraro, Cindy L.																
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): dba Lakewood Concrete, Inc. dba Sunrise Cafe fdba Concrete Construction		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): dba Yesterday's Restaurant and Lounge aka Cindy L. Abersold																
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all) XXXXXXXX0572		Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all) XXXXXXXX4659/16-1433680-2																
Street Address of Debtor (No. & Street, City, State & Zip Code): 5 Bentley Avenue Lakewood NY 14750		Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 75 East Summit Avenue Lakewood NY 14750																
County of Residence or of the Principal Place of Business: Chautauaua		County of Residence or of the Principal Place of Business: Chautauaua																
Mailing Address of Debtor (if different from street address): SAME		Mailing Address of Joint Debtor (if different from street address): SAME																
Location of Principal Assets of Business Debtor (If different from street address above): SAME																		
Information Regarding the Debtor (Check the Applicable Boxes)																		
Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																		
Type of Debtor (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank		Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																
Nature of Debts (Check one box) <input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business		Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.																
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)																		
Statistical/Administrative Information (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY																
Estimated Number of Creditors 1-15 16-49 50-99 100-199 200-999 1000-over <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																		
Estimated Assets <table style="width: 100%; font-size: small;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>			\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

FORM B1, Page 2

**Daryl A. Ferraro and
Cindy L. Ferraro****Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed:

WESTERN DISTRICT OF NY, BUFFALO

Case Number:

2000-14216-clb

Date Filed:

August 15, 2000**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

NONE

Case Number:

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Daryl A. Ferraro

Signature of Debtor

X /s/ Cindy L. Ferraro

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

3/10/2005

Date

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11)

☐ Exhibit A is attached and made a part of this petition**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X**3/10/2005**

Signature of Attorney for Debtor(s)

Date

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health and safety?

☐ Yes, and exhibit C is attached and made a part of this petition.
☒ No**Signature of Attorney****X /s/ JOSEPH A. PRICE, ESQ.**

Signature of Attorney for Debtor(s)

JOSEPH A. PRICE, ESQ. 2809416

Printed Name of Attorney for Debtor(s)

GULLO & PRICE

Firm Name

SIX WEST MAIN STREET

Address

FREDONIA NY 14048**(716) 679-0100**

Telephone Number

3/10/2005

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

PRIOR BANKRUPTCY CASE FILED WITHIN LAST 6 YEARS

Location Where Filed: <i>WESTERN DISTRICT OF NY,BUFFALO</i>	Case Number: <i>1999-13332-clb</i>	Date Filed: <i>June 10, 1999</i>
Location Where Filed: <i>WESTERN DISTRICT OF NY,BUFFALO</i>	Case Number: <i>1996-15792-clb</i>	Date Filed: <i>December 17, 1996</i>

UNITED STATES BANKRUPTCY COURT

NOTICE TO INDIVIDUAL CONSUMER DEBTOR

The purpose of this notice is to acquaint you with the four chapters of the federal Bankruptcy Code under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Court employees are prohibited from giving you legal advice.

Chapter 7: Liquidation (\$155 filing fee plus \$39 administrative fee plus \$15 trustee surcharge)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.
3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to valid security interest. Your attorney can explain the options that are available to you.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$155 filing fee plus \$39 administrative fee)

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three years, but no more than five years. Your plan must be approved by the court before it can take effect.
3. Under chapter 13, unlike chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under the plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

Chapter 11: Reorganization (\$800 filing fee plus \$39 administrative fee)

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family farmer (\$200 filing fee plus \$39 administrative fee)

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm.

I, the debtor, affirm that I have read this notice.

3/10/2005

Date

/s/Daryl A. Ferraro

Signature of Debtor

Case Number

3/10/2005

Date

/s/Cindy L. Ferraro

Signature of Joint Debtor

DEBTOR COPY COURT COPY

(circle one)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK
WESTERN DIVISION**

In re *Daryl A. Ferraro*
dba Lakewood Concrete, Inc.
dba Sunrise Cafe
fdba Concrete Construction
and
Cindy L. Ferraro
dba Yesterday's Restaurant and Lounge
aka Cindy L. Abersold

Case No.
Chapter 7

_____/ Debtor

Attorney for Debtor: *JOSEPH A. PRICE, ESQ.*

VERIFICATION OF CREDITOR MATRIX

The above named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of our knowledge.

Date: 3/10/2005

/s/ Daryl A. Ferraro

Debtor

/s/ Cindy L. Ferraro

Joint Debtor

ANDREW W. GOODELL, ESQ.
GOODELL & GOODELL
617 WASHINGTON STREET
JAMESTOWN, NY 14701

AUTO CREDIT
1315 WASHINGTON STREET
JAMESTOWN, NY 14701

CAPITAL ONE
1957 WESTMORELAND ROAD
P.O. BOX 85147
RICHMOND, VA 23276

CAPITAL ONE
1957 WESTMORELAND ROAD
P.O. BOX 85147
RICHMOND, VA 23276

CATTARAUGUS COUNTY BANK
116 MAIN STREET
LITTLE VALLEY, NY 14755

CHASE MANHATTAN BANK USA, N.A.
P.O. BOX 15583
WILMINGTON, DE 19886

CHAUTAUQUA COUNTY SHERIFF DEPT
1 NORTH ERIE STREET
P.O. BOX 128
MAYVILLE, NY 14757

CHAUTAUQUA COUNTY SUPREME CT
COUNTY COURTHOUSE K1-2004-1076
ONE NORTH ERIE STREET
MAYVILLE, NY 14757

CYPRESS CAPITAL PARTNERS
C/O ZWICKER & ASSOCIATES, PC
800 FEDERAL STREET
ANDOVER, MA 01810-1041

CYPRESS CAPITAL PARTNERS
C/O ZWICKER & ASSOCIATES, PC
800 FEDERAL STREET
ANDOVER, MA 01810-1041

CYPRESS CAPITAL PARTNERS
C/O ZWICKER & ASSOCIATES, PC
800 FEDERAL STREET
ANDOVER, MA 01810-1041

FIRST CONSUMER NATIONAL BANK
P.O. BOX 5811
HICKSVILLE, NY 11802

HOUSEHOLD CREDIT SERVICES
P.O. BOX 17051
BALTIMORE, MD 21297-1051

INTERNAL REVENUE SERVICE
P.O. BOX 266, STOP SPB
NIAGARA SQUARE STATION
BUFFALO, NY 14201

JAMES E. WESTMAN
300 EAST SIXTH STREET
JAMESTOWN, NY 14701

JAMESTOWN BLOCK COMAPNY, INC.
2459 FALCONER-FREWSBURG ROAD
JAMESTOWN, NY 14701

JAMESTOWN CITY COURT
MUNICIPAL BUILDING
THIRD STREET
JAMESTOWN, NY 14701

JAMESTOWN TEACHERS FCU
915 EAST SECOND STREET
JAMESTOWN, NJ 14701

JON J. PETERSON, INC.
D/B/A HOLIDAY HARBOR
AVON AVENUE
CELERON, NY 14720

KEVIN J. SIRWATKA, ESQ.
112 HOTEL JAMESTOWN BUILDING
JAMESTOWN, NY 14701

NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE
W.A. HARRIMAN CAMPUS
ALBANY, NY 12227

NYS DEPT OF TAX & FINANCE
BANKRUPTCY UNIT
P.O. BOX 5300
ALBANY, NY 12205-0300

THOMAS EQUIPMENT LTD
P.O. BOX 336
MARS HILL, MAINE 04758-0336

THOMAS EQUIPMENT, LTD
29 HAWKINS ROAD
P.O. BOX 510
CENTREVILLE, N.B, CANADA E7K 3G4

CHRYSLER FINANCIAL
P.O. BOX 168
NEWARK, NJ 07101

FORD MOTOR CREDIT COMPANY
NAT'L BANKRUPTCY SERVICE CNTR
P.O. BOX 17948
GREENVILLE, SC 29606-7948